



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Eleventh Meeting Day

Monday Afternoon

January 30, 2006

The Senate convened at 1:32 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 70: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 356, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 25, line 11, delete "(a) This subsection applies".

Page 25, delete lines 12 through 32.

Page 25, line 33, delete "(b)".

Page 25, run in lines 11 through 33.

Page 38, delete lines 37 through 42.

Page 39, delete lines 1 through 8.

Page 39, line 9, delete "(e)" and insert "(d)".

(Reference is to SB 356 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-15.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this section, "insurer" does not include an officer, director, employee, subsidiary, or affiliate of an insurer.

(b) This chapter does not require an insurer to obtain an insurance producer license.

(c) The following are not required to be licensed as an insurance producer:

(1) An officer, director, or employee of an insurer or of an insurance producer, if the officer, director, or employee does not receive any commission on policies written or sold to insure risks that reside, are located, or are to be performed in Indiana, and if:

(A) the officer, director, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer, director, or employee's function relates to underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers and the officer, director, or employee's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation, or negotiation of insurance.

(2) A person who secures and furnishes information for the purpose of:

(A) group life insurance, group property and casualty insurance, group annuities, group or blanket accident and sickness insurance;

(B) enrolling individuals under plans;
 (C) issuing certificates under plans or otherwise assisting in administering plans; or
 (D) performing administrative services related to mass marketed property and casualty insurance;
 where no commission is paid to the person for the service.

(3) A person identified in clauses (A) through (C) who is not in any manner compensated, directly or indirectly, by a company issuing a contract, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the employer's or association's employees, or for the employees of a subsidiary or affiliate of the employer or association, that involves the use of insurance issued by an insurer:

(A) An employer or association.

(B) An officer, director, or employee of an employer or association.

(C) The trustees of an employee trust plan.

(4) An:

(A) employee of an insurer; or

(B) organization employed by insurers;

that is engaged in the inspection, rating, or classification of risks, or in the supervision of the training of insurance producers, and that is not individually engaged in the sale, solicitation, or negotiation of insurance.

(5) A person whose activities in Indiana are limited to advertising, without the intent to solicit insurance in Indiana, through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of Indiana, provided that the person does not sell, solicit, or negotiate insurance that would insure risks residing, located, or to be performed in Indiana.

(6) A person who is not a resident of Indiana and who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one state insured under that contract, provided that:

(A) the person is otherwise licensed as an insurance producer to sell, solicit, or negotiate the insurance in the state where the insured maintains its principal place of business; and

(B) the contract of insurance insures risks located in that state.

(7) A salaried full-time employee who counsels or advises the employee's employer about the insurance interests of the employer or of the subsidiaries or business affiliates of the employer, provided that the employee does not sell or solicit insurance or receive a commission.

(8) An officer, employee, or representative of a rental company (as defined in IC 24-4-9-7) who negotiates or solicits insurance incidental to and in connection with the rental of a motor vehicle.

(9) An individual who:

(A) furnishes only title insurance rate information at the request of a consumer; and

(B) does not discuss the terms or conditions of a title insurance policy.

(10) A licensed attorney when acting as a title insurance producer (as defined in IC 27-7-3.5-15) or a title insurance

agent (as defined in IC 27-7-3.5-18)".

Page 3, line 34, after "agent," insert "**or**".

Page 3, line 34, delete ", or an".

Page 3, line 35, delete "attorney".

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 12.

Page 4, line 13, delete "17." and insert "**16.**".

Page 4, line 18, delete "18." and insert "**17.**".

Page 4, line 29, delete "19." and insert "**18.**".

Page 4, line 31, delete "insurer," and insert "**insurer or an attorney licensed to practice law in Indiana,**".

Page 5, line 4, delete "20." and insert "**19.**".

Page 5, line 36, delete "21." and insert "**20.**".

Page 6, line 6, delete "22." and insert "**21.**".

Page 6, line 12, delete "23." and insert "**22.**".

Page 6, line 20, delete "24." and insert "**23.**".

Page 6, line 26, delete "25." and insert "**24.**".

Page 6, line 30, delete "26." and insert "**25.**".

Page 6, line 41, delete "agency or" and insert "**agency,**".

Page 6, line 41, delete "agent" and insert "**agent, or licensed attorney**".

Page 7, line 35, delete "27." and insert "**26.**".

Page 7, line 36, delete "26" and insert "**25**".

Page 8, line 34, delete "28." and insert "**27.**".

Page 8, line 34, delete "(a) If title insurance business to be written by a title".

Page 8, delete lines 35 through 42.

Page 9, delete lines 1 through 25.

Page 9, line 26, delete "(d)" and insert "**(a)**".

Page 9, line 26, delete "26(f)" and insert "**25(f)**".

Page 8, run in line 34 and page 9, line 26.

Page 9, line 35, delete "(e)" and insert "**(b)**".

Page 9, line 36, delete "(d)," and insert "**(a),**".

Page 9, line 39, delete "(d);" and insert "**(a);**".

Page 9, line 41, delete "(d)" and insert "**(a)**".

Page 10, line 7, delete "(f)" and insert "**(c)**".

Page 10, delete lines 11 through 21.

Page 10, line 22, delete "30." and insert "**28.**".

Page 12, line 23, after "agent" insert ".".

Page 12, line 32, after "insurer;" insert "**or**".

Page 12, line 36, delete "insurer; or" and insert "**insurer.**".

Page 12, delete lines 37 through 42.

Page 13, delete line 1.

Page 13, line 14, delete "26" and insert "**25**".

Page 13, line 15, delete "31." and insert "**29.**".

Page 13, line 39, delete "32." and insert "**30.**".

Page 14, line 7, delete "33." and insert "**31.**".

Page 14, line 7, delete "A title insurance agent may operate as an escrow,".

Page 14, delete lines 8 through 42.

Page 15, delete lines 1 through 12.

Page 15, line 13, delete "(3)" and insert "**(a)**".

Page 14, run in line 7 and page 15, line 13.

Page 15, line 17, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 15, line 19, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 15, line 22, beginning with "or" begin a new line blocked left.

Page 15, line 23, delete "clause (B)" and insert "**subdivision (2)**".

Page 15, line 25, delete "(4)", begin a new paragraph and insert "**(b)**".

Page 15, line 26, delete "in trust".

Page 15, line 28, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 15, line 32, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 15, line 37, delete "(C)", begin a new line block indented and insert:

"(3)".

Page 16, line 4, delete "(5)", begin a new paragraph and insert:

"(c)".

Page 16, line 14, delete "34." and insert "**32.**".

Page 16, line 32, delete "35" and insert "**33**".

Page 16, line 42, delete "35." and insert "**33**".

Page 17, line 3, delete "The fee must be specified as a line item on the closing" and insert "**If the person purchases both a lender's title insurance policy and an owner's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of residential real estate securing the loan, the person shall pay one (1) fee of five dollars (\$5) at the time of the payment.**".

Page 17, delete lines 4 through 5.

Page 17, line 11, delete "34" and insert "**32**".

Page 17, line 12, delete "36." and insert "**34**".

Page 17, line 34, delete "finance authority." and insert "**and community development authority.**".

Page 17, delete line 39.

Page 17, line 40, delete "(11)" and insert "**(10)**".

Page 18, delete lines 3 through 42.

Page 19, delete lines 1 through 5.

Page 19, line 6, delete "39." and insert "**35**".

Page 19, line 8, delete "40." and insert "**36**".

Page 19, line 29, delete "41." and insert "**37**".

Renumber all SECTIONS consecutively.

(Reference is to SB 349 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"**Sec. 1. As used in this chapter, "commissioner" means the**

insurance commissioner appointed under IC 27-1-1-2."

Page 1, line 6, delete "1." and insert "**2**".

Page 1, line 7, delete "7" and insert "**10**".

Page 1, line 9, delete "2." and insert "**3**".

Page 1, line 10, delete "7" and insert "**10**".

Page 1, between lines 10 and 11, begin a new paragraph and insert: "**Sec. 4. As used in this chapter, "examiner" has the meaning set forth in IC 27-1-3.1-4.**"

Page 1, line 11, delete "3." and insert "**5**".

Page 1, line 17, delete "4." and insert "**6**".

Page 2, line 8, delete "5." and insert "**7**".

Page 2, line 10, delete "7" and insert "**10**".

Page 2, line 11, delete "6." and insert "**8**".

Page 2, between lines 17 and 18, begin a new paragraph and insert: "**Sec. 9. As used in this chapter, "service provider" means an individual or entity that enters into a contract with a consortium program to provide to the consortium program:**

(1) administrative;

(2) insurance brokerage;

(3) claims administration;

(4) risk control; or

(5) investment management;

services."

Page 2, line 18, delete "7." and insert "**10**".

Page 2, line 18, delete "five (5)" and insert "**two (2)**".

Page 2, line 35, delete "8." and insert "**11**".

Page 2, line 35, delete "body" and insert "**authority**".

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"**Sec. 12. Except as provided in this chapter, the development, administration, and operation of a consortium program does not constitute the business of insurance, and a consortium program is not subject to the insurance laws of Indiana.**

Sec. 13. (a) A consortium program shall:

(1) establish a self-insurance fund with a per claim limit and an aggregate limit on the total amount of self-insured risk retained by the members in a fiscal year; and

(2) maintain excess insurance coverage that has been reviewed and approved by the commissioner.

(b) A self-insurance fund established under subsection (a) must be:

(1) actuarially sound; and

(2) funded at the beginning of each fiscal year by a contribution from each member in an amount that reflects the member's share of self-insured risk and other costs of the consortium program.

(c) Annual contributions to the self-insurance fund under subsection (b) must be:

(1) determined using generally accepted actuarial standards; and

(2) set to fund, at the beginning of each fiscal year, at least one hundred percent (100%) of the self-insured risk retained by the members in a fiscal year plus the other costs of the consortium program, including premiums for excess insurance coverage.

Sec. 14. (a) The governing authority of the consortium program shall adopt bylaws, including the following:

- (1) A financial plan setting forth in general terms:
 - (A) the types of risks covered under the consortium program;
 - (B) the per claim limit and the aggregate limit on the total amount of self-insured risk retained by the consortium program in a fiscal year;
 - (C) the minimum amount of excess insurance coverage that must be maintained by the consortium program; and
 - (D) the procedure for determining each member's annual contribution to the self-insurance fund.
 - (2) A plan of management that provides for:
 - (A) the responsibility of the governing authority with regard to:
 - (i) maintaining the amount of reserves in the self-insurance fund;
 - (ii) disposing of surpluses; and
 - (iii) administering the consortium program in the event of termination;
 - (B) the basis on which new members may be admitted to the consortium program;
 - (C) the basis on which participating members may withdraw from the consortium program, including a:
 - (i) thirty (30) day period at the end of each fiscal year after the consortium program's first year of operation during which a member may withdraw; and
 - (ii) requirement that a withdrawing member remains jointly and severally liable for any claim arising during the period during which the withdrawing member was a member; and
 - (D) other provisions necessary or desirable for the operation of the consortium program.
 - (3) A conflict of interest policy for:
 - (A) employees; and
 - (B) service providers;
 of the consortium program.
 - (b) The following must be submitted to and approved by the commissioner before a consortium program may commence operations:
 - (1) A copy of the bylaws described in subsection (a).
 - (2) The form of any insurance contracts purchased by the consortium program, including contracts for excess insurance coverage.
 - (3) An accounting, based on generally accepted actuarial standards, of sufficient reserves committed to pay obligations of the consortium program.
 - (4) A copy of each coverage document form to be issued by the consortium program.
 - (5) Any other information determined necessary by the commissioner.
 - (c) If the commissioner does not disapprove the information submitted under subsection (b) earlier than thirty (30) days after the information is submitted, the information is considered approved.
- Sec. 15. (a) A consortium program may enter into a contract with a service provider to obtain the services of the service provider.
- (b) A contract entered into under subsection (a) must address

the following:

- (1) The term of the contract.
 - (2) The scope of services and responsibilities of the service provider.
 - (3) Compensation.
 - (4) Periodic reporting to the governing authority of the consortium program.
 - (5) The ownership and confidentiality of information and data utilized by the service provider in performing the service provider's responsibilities under the contract.
 - (6) Compliance with the conflict of interest policy established by the consortium program.
 - (7) Indemnification of the consortium program for negligence of the service provider and proof of errors and omissions insurance.
 - (8) Assignability of the contract.
 - (9) Competition between the service provider and the consortium program during and after the term of the contract.
 - (10) Cancellation of the contract.
- Sec. 16. (a) A consortium program shall have an annual audit performed by an independent certified public accounting firm according to guidelines established by the department of insurance.
- (b) Not later than one hundred eighty (180) calendar days after the close of a consortium program's fiscal year, the consortium program must furnish the consortium program's members with audited financial statements certified by an independent certified public accounting firm.
- (c) Copies of the audit report and certified financial statements required under this section must be provided to the commissioner and the state board of accounts not later than one hundred eighty (180) calendar days after the close of the consortium program's fiscal year.
- (d) A consortium program that fails to meet the deadline specified in subsection (c) without having obtained an extension from the commissioner is subject to a civil penalty of fifty dollars (\$50) per day until the required information is received by the commissioner.
- (e) If a consortium program fails to have the annual audit performed as required by subsection (a), the commissioner shall cause the audit to be performed at the expense of the consortium program.
- (f) The working papers of the certified public accountant and other records pertaining to the preparation of the audited financial statements required under this section may be reviewed by the commissioner. The cost of a review under this subsection must be paid by the consortium program.
- Sec. 17. Not later than sixty (60) calendar days after the beginning of a consortium program's fiscal year, the governing authority shall submit the following to the commissioner:
- (1) A copy of the bylaws adopted by the consortium program.
 - (2) A copy of each coverage document form issued by the consortium program.
 - (3) A copy of the insurance contracts purchased by the consortium program, including contracts for excess insurance coverage.

(4) A copy of each service provider contract entered into by the consortium program.

(5) A certification by an independent actuary that the reserves in the self-insurance fund are adequate to pay the obligations of the consortium program.

Sec. 18. (a) If a consortium program fails to comply with the requirements of this chapter, the commissioner shall issue a notice of noncompliance to the consortium program.

(b) Not later than thirty (30) calendar days after a consortium program receives a notice of noncompliance under subsection (a), the consortium program shall file with the commissioner a written request for time to restore compliance and a plan to restore compliance.

(c) The commissioner, on receiving the written request and plan to restore compliance filed under subsection (b), may grant a period not longer than one (1) year during which the consortium program may restore compliance.

(d) If:

(1) a plan to restore compliance is not filed under subsection (b);

(2) a plan to restore compliance is filed under subsection (b) and not approved by the commissioner; or

(3) a plan to restore compliance is filed under subsection (b) and approved by the commissioner, and at the end of a period granted under subsection (c) the consortium program is not in compliance with this chapter;

the commissioner may act to liquidate or rehabilitate the consortium program under IC 27-9 as if the consortium program were an insurance company.

Sec. 19. (a) The commissioner or an examiner:

(1) may conduct an examination of a consortium program under IC 27-1-3.1 as often as the commissioner, in the commissioner's sole discretion, considers appropriate; and

(2) shall conduct an examination of a consortium program under IC 27-1-3.1 at least once every five (5) years.

(b) Upon determining that an examination described in subsection (a) is necessary, the commissioner shall issue an examination warrant:

(1) appointing one (1) or more examiners to perform the examination; and

(2) instructing the examiners appointed under subdivision (1) concerning the scope of the examination.

(c) In conducting an examination under this section, an examiner shall observe the requirements set forth in the NAIC examiner's handbook (as defined in IC 27-1-3.1-6), to the extent that the requirements are consistent with this chapter. The commissioner may employ additional guidelines or procedures necessary to determine a consortium program's compliance with this chapter.

Sec. 20. (a) A consortium program is subject to IC 27-4-1 as if the consortium program were an insurance company.

(b) The rights of a claimant under a consortium program are in no event less than the rights of a claimant under an insurance contract issued by an insurance company authorized to do business under IC 27.

Sec. 21. The commissioner shall, not later than February 1 of each year, report to the legislative council in an electronic format

under IC 5-14-6. The report must include the following information for the previous calendar year:

(1) A description of the scope of the market of coverage under:

(A) insurance contracts; and

(B) consortium programs;

serving independent educational institutions.

(2) The number of complaints filed against a consortium program under IC 27-4-1.

(3) The number of independent educational institutions participating in consortium programs.

(4) The loss history of each consortium program.

Sec. 22. An insurance producer that conducts business with a consortium program must be licensed as an insurance producer under IC 27-1-15.6.

Sec. 23. (a) Motor vehicle coverage provided by a consortium program must provide the ability for a member to respond in damages for liability arising out of the ownership, maintenance, or use of a motor vehicle in amounts at least equal to the amounts required under IC 9-25-4.

(b) A member that participates in the motor vehicle coverage provided by a consortium program is considered to meet the financial responsibility requirements set forth in IC 9-25-4, and an application for a certificate of self-insurance under IC 9-25-4-11 is not required.

Sec. 24. Information regarding the:

(1) part of funds; or

(2) liability reserve;

established by a consortium program to satisfy a specific claim or cause of action is confidential and is not subject to subpoena or order to produce, except in a supplementary or ancillary proceeding to enforce a judgment.

Sec. 25. The department of insurance may adopt rules under IC 4-22-2 to implement this chapter."

Delete page 3.

(Reference is to SB 229 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 34, after "(1)" insert "the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);".

(2)".

Page 2, line 34, delete "makes" and insert "completes".

Page 2, line 35, delete "shall notify the:" and insert "shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

- (ii) the appropriate fee; and
- (iii) a request for a certificate of salvage title on a form prescribed by the bureau; and
- (3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner."

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 6.

Page 3, line 19, delete "subsection (c)(1)" and insert **"this section"**.
(Reference is to SB 339 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "or".

Page 1, line 7, delete "." and insert ";".

Page 1, reset in roman line 8.

Page 1, line 9, reset in roman "(4) December 31,".

Page 1, line 9, after "2007." insert **"2011."**

Page 1, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 2. IC 36-8-10-12.2, AS ADDED BY P.L.97-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12.2. (a) This section applies to a county that adopts a deferred retirement option plan as part of its retirement plan under this chapter.

(b) As used in this section, "DROP" refers to a deferred retirement option plan established under this section.

(c) As used in this section, "DROP frozen benefit" refers to a monthly pension benefit calculated under the provisions of a retirement plan established under this chapter based on the employee beneficiary's:

- (1) salary; and
- (2) years of service;

on the date the employee beneficiary enters the DROP.

(d) As used in this section, "maximum years of service" refers to the maximum number of years of service included in the monthly pension benefit calculation under a department's retirement plan.

(e) An employee beneficiary who:

- (1) is not yet credited with the maximum number of years of service; and
- (2) is eligible to receive an unreduced benefit immediately upon termination of employment;

may elect to enter a DROP. The employee beneficiary's election is irrevocable.

(f) The employee beneficiary exits a DROP on the earliest of the following:

- (1) The date that the employee beneficiary is credited with the maximum years of service under the retirement plan.
- (2) The employee beneficiary's retirement date.
- (3) The date any required benefit begins.

(g) The retirement benefit paid to the employee beneficiary who

participated in a DROP consists of:

- (1) the DROP frozen benefit; plus
- (2) an additional amount, paid as the employee beneficiary elects under subsection (h), determined in STEP THREE of the following formula:

STEP ONE: Multiply:

- (A) the DROP frozen benefit; by
- (B) the number of months the employee beneficiary participated in the DROP.

STEP TWO: Multiply the product determined in STEP ONE by an interest rate that does not exceed three percent (3%) annually.

STEP THREE: Add the product determined under STEP ONE and the product determined under STEP TWO.

(h) The employee beneficiary shall elect, at the employee beneficiary's retirement, to receive the additional amount calculated under subsection (g)(2) in one (1) of the following ways:

- (1) A lump sum.
- (2) An actuarially equivalent increase in the monthly pension benefit payable to the employee beneficiary.
- (3) A combination of (1) and (2).

(i) The cost of living payment determined under section 23 of this chapter does not apply to the additional amount calculated under subsection (g)(2). No cost of living payment is applied to a DROP frozen benefit while the employee beneficiary is participating in a DROP.

(j) If an employee beneficiary becomes disabled:

- (1) in the line of duty; or
- (2) other than in the line of duty;

benefits for the employee beneficiary are calculated as if the employee beneficiary had never entered the DROP.

(k) **Except as provided in subsection (m)**, if, before the employee beneficiary's monthly pension benefit begins, an employee beneficiary dies, in the line of duty or other than in the line of duty, death benefits are payable as follows:

- (1) The benefit under subsection (g)(2) is paid in a lump sum to the employee beneficiary's surviving spouse. If there is no surviving spouse, the lump sum must be divided equally among the employee beneficiary's surviving children. If there are no surviving children, the lump sum is paid to the employee beneficiary's parents. If there are no surviving parents, the lump sum is paid to the employee beneficiary's estate.
- (2) A benefit is paid on the DROP frozen benefit under the terms of the county's retirement plan.

(l) A DROP under this section must be designed to be actuarially cost neutral to the county's retirement plan.

(m) This subsection applies if:

- (1) **an employee beneficiary dies in the line of duty before payment of the employee beneficiary's monthly pension benefit begins; and**
- (2) **the calculation of a death benefit under the provisions of the county's retirement plan depends upon whether an employee beneficiary dies in the line of duty or other than in the line of duty.**

Death benefits for an employee beneficiary who dies in the line of duty are calculated under the provisions of the county's retirement plan as if the employee beneficiary had never entered the DROP and shall be adjusted as necessary to ensure

compliance with subsection (l)."

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 36-8-10-12.2, as amended by this act, applies to an employee beneficiary of a county retirement plan established under IC 36-8-10-12 who dies in the line of duty after December 31, 2005.**

SECTION 5. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to SB 55 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 322, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, delete ":" and insert **"any of the following crimes arising out of the participant's service as a public officer or employee, the PERF board shall take the actions described in subsection (d):"**.

Page 1, line 9, after "(1)" delete "a" and insert "A".

Page 1, line 12, delete ";" and insert ".".

Page 1, line 13, delete "bribery" and insert **"Bribery"**.

Page 1, line 13, delete ";" and insert ".".

Page 1, line 14, delete "official" and insert **"Official"**.

Page 1, line 15, delete ";" and insert ".".

Page 1, line 16, delete "conflict" and insert **"Conflict"**.

Page 1, line 16, delete ";" and insert ".".

Page 1, line 17, delete "computer" and insert **"Computer"**.

Page 1, line 17, delete ";" and insert ".".

Page 2, line 1, delete "identity" and insert **"Identity"**.

Page 2, line 1, delete ";" and insert ".".

Page 2, line 2, delete "ghost" and insert **"Ghost"**.

Page 2, line 2, delete ";" and insert ".".

Page 2, line 3, after "(8)" delete "an" and insert **"An"**.

Page 2, line 4, delete ";" or" and insert ".".

Page 2, line 5, delete "a" and insert **"A"**.

Page 2, line 7, delete ";" and insert ".".

Page 2, delete line 8.

Page 3, line 6, delete "relationship between the misconduct and the" and insert **"amount of the loss suffered by the state resulting from the participant's misconduct."**.

Page 3, delete line 7.

Page 5, line 15, delete ":" and insert **"any of the following crimes arising out of the member's service as a public officer or employee, the board shall take the actions described in subsection (d):"**.

Page 5, line 16, after "(1)" delete "a" and insert "A".

Page 5, line 19, delete ";" and insert ".".

Page 5, line 20, delete "bribery" and insert **"Bribery"**.

Page 5, line 20, delete ";" and insert ".".

Page 5, line 21, delete "official" and insert **"Official"**.

Page 5, line 22, delete ";" and insert ".".

Page 5, line 23, delete "conflict" and insert **"Conflict"**.

Page 5, line 23, delete ";" and insert ".".

Page 5, line 24, delete "computer" and insert **"Computer"**.

Page 5, line 24, delete ";" and insert ".".

Page 5, line 25, delete "identity" and insert **"Identity"**.

Page 5, line 25, delete ";" and insert ".".

Page 5, line 26, delete "ghost" and insert **"Ghost"**.

Page 5, line 26, delete ";" and insert ".".

Page 5, line 27, after "(8)" delete "an" and insert **"An"**.

Page 5, line 28, delete ";" or" and insert ".".

Page 5, line 29, delete "a" and insert **"A"**.

Page 5, line 31, delete ";" and insert ".".

Page 5, delete line 32.

Page 6, line 27, delete "relationship between the misconduct and the" and insert **"amount of the loss suffered by the state resulting from the member's misconduct."**.

Page 6, delete line 28.

Page 13, line 41, delete ":" and insert **"any of the following crimes arising out of the employee beneficiary's service as a public officer or employee, the pension advisory board shall take the actions described in subsection (c):"**.

Page 13, line 42, after "(1)" delete "a" and insert "A".

Page 14, line 3, delete ";" and insert ".".

Page 14, line 4, delete "bribery" and insert **"Bribery"**.

Page 14, line 4, delete ";" and insert ".".

Page 14, line 5, delete "official" and insert **"Official"**.

Page 14, line 6, delete ";" and insert ".".

Page 14, line 7, delete "conflict" and insert **"Conflict"**.

Page 14, line 7, delete ";" and insert ".".

Page 14, line 8, delete "computer" and insert **"Computer"**.

Page 14, line 8, delete ";" and insert ".".

Page 14, line 9, delete "identity" and insert **"Identity"**.

Page 14, line 9, delete ";" and insert ".".

Page 14, line 10, delete "ghost" and insert **"Ghost"**.

Page 14, line 10, delete ";" and insert ".".

Page 14, line 11, after "(8)" delete "an" and insert **"An"**.

Page 14, line 12, delete ";" or" and insert ".".

Page 14, line 13, delete "a" and insert **"A"**.

Page 14, line 15, delete ";" and insert ".".

Page 14, delete lines 16 and 17.

Page 15, line 18, delete "relationship between the misconduct and the employee" and insert **"amount of the loss suffered by the state resulting from the employee beneficiary's misconduct."**.

Page 15, delete line 19.

(Reference is to SB 322 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as

follows:

Page 1, line 11, after "2." insert "(a)".

Page 2, line 3, after "surface" insert "**and ground**".

Page 2, line 6, delete "uses, including habitat, that" and insert "**uses**".

Page 2, delete lines 7 through 9.

Page 2, line 11, delete "and establishing regulatory and capital" and insert ".".

Page 2, delete lines 12 through 17.

Page 2, line 26, delete "Describe" and insert "**Collect information concerning illustrative**".

Page 2, line 27, after "allocation conflicts" insert "**in the state**".

Page 2, delete lines 29 through 37, begin a new line block indented and insert:

"(4) To encourage units of local government to:

(A) pass ordinances that:

(i) promote water conservation; and

(ii) establish priorities of water usage during droughts, including suggested model ordinances for counties and municipalities; and

(B) publicize the need for local communities to be prepared for droughts.

(5) To prepare an annual report on progress in implementing the tasks listed in subdivisions (3) and (4).

(b) The task force shall provide the reports required under subsection (a) to:

(1) the water resources study committee established by IC 2-5-25-1; and

(2) the legislative council, in an electronic format under IC 5-14-6."

Page 2, line 38, delete "individuals" insert "**ten (10) individuals, not more than five (5) of whom may be members of the same political party,**".

Page 2, line 39, delete "governor" and insert "**director**".

Page 3, line 7, delete "Environmentalists speaking for habitat and other" and insert "**Environmentalists**".

Page 3, delete line 8.

Page 3, line 13, delete "and the department of environmental".

Page 3, line 14, delete "management".

Page 3, line 15, delete "The governmental advisory panel to the task force is" and insert "**Each of the following state agencies shall designate a representative to advise the task force:**".

Page 3, delete lines 16 through 17.

Page 3, delete lines 22 through 23.

Page 3, line 24, delete "members" and insert "**representatives**".

Page 3, delete lines 25 through 42, begin a new line blocked left and insert "**director may invite representatives of other state and federal agencies as appropriate to advise the task force.**

Sec. 5. The affirmative votes of a majority of the voting members of the task force are required for the task force to take action on a measure."

Page 4, delete lines 1 through 7.

Page 4, line 11, delete "governor" and insert "**director of the department of natural resources**".

Page 4, line 19, delete "governor" and insert "**director of the department of natural resources**".

(Reference is to SB 369 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, double block indent lines 6 through 11.

Page 11, after line 4, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.

(b) This SECTION expires July 1, 2007.

SECTION 9. An emergency is declared for this act."

(Reference is to SB 6 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 22

Senate Concurrent Resolution 22, introduced by Senator Craycraft:

A CONCURRENT RESOLUTION congratulating the Muncie Burris High School Girls' Volleyball Team for their outstanding accomplishment in the 2005 Indiana High School Association Class 2A Girls' State Volleyball Championship.

Whereas, The team defeated Brownstown Central, 25-18, 25-14, 25-16, at Butler University in the state championship game at historic Hinkle Fieldhouse in Indianapolis on Saturday, November 5, 2005; and

Whereas, The Muncie Burris Team Girls' Volleyball Team had a record of 36-4 for the 2005 season; and

Whereas, The team, with this victory, won their 16th Volleyball State Championship and 9th straight Championship in a row; and

Whereas, The team has won their 25th consecutive Mid Eastern Conference Championship and has won 62 straight State Tournament matches; and

Whereas, The team finished ranked 18th in the United States by PrepVolleyball.com; and

Whereas, The team has won 30 or more matches for 25 consecutive years; and

Whereas, Coach Steve Shondell's career record at Burris is 1,035 wins and only 83 losses, a winning percentage of 92.6%; and

Whereas, Team member Lauren Kaminsky, senior, became the 10th Muncie Burris recipient of the IHSAA Mental Attitude Award at the Indiana Volleyball State Finals; and

Whereas, The Muncie Burris High School Team was led by Head Coach Steve Shondell, Assistant Coaches Reece Peacock, Emily Sallee, and Lenny Kaminsky, Principal Dr. Jay McGee, Athletic Director Ray Dawson, and includes team members Molly Davis, Teresa Craig, Lauren Kaminsky, Shelly Surma, Ana Fuschetto, Caitlyn Vann, Karin Caudill, Taylor Hyman, Emily Brown, Paige Demaree, Leslie White, Bonnie Kaminsky, Christie Waters, Avery Mayfield, and Mia Tabberson: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly congratulates the Muncie Burris High School Girls' Volleyball Team for its accomplishment in winning the 2005 IHSAA Class 2A Girls' State Volleyball Championship and extend it congratulations to the team members, coaching staff, their families, and the school.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to each team member, each member of the coaching staff, the Athletic Director, and the Principal.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Tyler.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1362 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1001, 1007, 1009, 1010, 1016, 1017, 1018, 1020, 1022, 1024, 1049, 1065, 1073, 1076, 1086, 1101, 1102, 1107, 1127, 1142, 1207, 1209, 1234, 1238, 1249, 1257, 1261, 1280, 1299, 1307, 1314, 1327, 1339, 1353, 1380, 1392, and 1418 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

1:49 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:42 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 353.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Engrossed Senate Bill 78.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 277.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as second author of Senate Bill 308.

SIMPSON

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 27

Senator Long called up Senate Bill 27 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 275

Senator Long called up Senate Bill 275 for second reading. The bill was read a second time by title. There being no amendments, the

bill was ordered engrossed.

Senate Bill 106

Senator M. Young called up Senate Bill 106 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 160

Senator Wyss called up Senate Bill 160 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 353

Senator Weatherwax called up Senate Bill 353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 251

Senator Weatherwax called up Senate Bill 251 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 251-1)

Madam President: I move that Senate Bill 251 be amended to read as follows:

Page 7, line 6, after "may" insert "**apply to an administrative law judge of the department or a court with jurisdiction for an order to**".

Page 7, line 12, after "(2)" insert "**there is probable cause to believe that**".

Page 7, line 12, delete "is being" and insert "**has been**".

Page 7, line 13, delete "." and insert "**to transport passengers for hire**".

Page 7, between lines 13 and 14, begin a new line blocked left and insert:

"A hearing on an application to impound a motor vehicle under this subsection may not be held sooner than three (3) days after the date on which a notice of hearing on the application is served on the motor carrier. The motor carrier may contest the application to impound the motor vehicle at the hearing."

(Reference is to SB 251 as printed January 27, 2006.)

FORD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 264

Senator Weatherwax called up Senate Bill 264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 145

Senator M. Young called up Senate Bill 145 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 85

Senator M. Young called up Senate Bill 85 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 332

Senator M. Young called up Senate Bill 332 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 308

Senator Simpson called up Senate Bill 308 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 305

Senator Rogers called up Senate Bill 305 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 202

Senator Riegsecker called up Senate Bill 202 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 54

Senator Nugent called up Senate Bill 54 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 345

Senator Meeks called up Senate Bill 345 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 345-1)

Madam President: I move that Senate Bill 345 be amended to read as follows:

Page 2, line 3, reset in roman "16.70%".

Page 2, line 3, delete "19.60%".

(Reference is to SB 345 as printed January 27, 2006.)

MEEKS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 373

Senator Mishler called up Senate Bill 373 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 18

Senator Miller called up Senate Bill 18 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 338

Senator Merritt called up Senate Bill 338 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 81

Senator Meeks called up Senate Bill 81 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 36

Senator Lawson called up Senate Bill 36 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 83

Senator Lubbers called up Senate Bill 83 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 83-1)

Madam President: I move that Senate Bill 83 be amended to read as follows:

Page 2, line 10, delete "." and insert "**and while lawfully engaged in the execution of official duties.**".

(Reference is to SB 83 as printed January 27, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 299

Senator Long called up Senate Bill 299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 58

Senator Harrison called up Senate Bill 58 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 37

Senator Lawson called up Senate Bill 37 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 37-1)

Madam President: I move that Senate Bill 37 be amended to read as follows:

Page 2, between lines 38 and 39, begin a new paragraph and insert: "SECTION 5. IC 3-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

(e) Notwithstanding subsections (b) through (d), a person may register or transfer registration on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 6. IC 3-7-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A person desiring to register or transfer a registration may do so:

(1) at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur; **or**

(2) on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11."

Page 12, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 31. IC 3-7-36-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) This section applies only to a person described in subsection (b) who applies to register to vote:

(1) after the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**; and

(2) before the date that the certified list of voters is prepared under IC 3-7-29-1.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the circuit court clerk or board of registration:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)** of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election as provided in this title.

SECTION 32. IC 3-7-36-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) **Except as provided in subsection (g)**, a voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

(g) A person described in subsection (b) may register and vote on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49."

Page 20, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 53. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless:

- (1) the circuit court clerk or board of registration provides a signed certificate of error in the office where the permanent registration record is kept showing that the voter is legally registered in the precinct where the voter resides; **or**
- (2) the voter has registered as provided in IC 3-7-49.**

(b) A person:

- (1) whose name does not appear on the registration record; **and**
- (2) who does not register as provided in IC 3-7-49;**

may cast a provisional ballot as provided in IC 3-11.7."

Page 20, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 55. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 49. Election Day Registration

Sec. 1. (a) A person who is not registered to vote but is otherwise qualified to vote shall be allowed to vote at the polls in a primary, general, municipal, school district, or special election if the person registers at the polls under this chapter.

(b) In order to register to vote at a precinct under this chapter, the person:

- (1) must be a resident of the precinct;**
- (2) must be otherwise legally qualified to vote under IC 3-7-13-1;**
- (3) may not be registered to vote under IC 3-7-14 through IC 3-7-23;**
- (4) may not be qualified to vote under IC 3-7-39-7, IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12; and**
- (5) may not have already voted in the election.**

(c) Before allowing the person to vote, the poll clerk or other precinct election officer shall require the person to do the following:

- (1) Complete a voter registration form prescribed by IC 3-7-18, along with the affirmation described in section 3 of this chapter, and sign the form in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, then the inspector for the precinct shall sign the form as the second precinct election officer.**
- (2) Provide acceptable proof of residence.**

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of residence:

- (1) A current and valid photo identification.**
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.**
- (3) A statement signed by any other voter in the precinct that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator shall provide the identification listed**

in subdivision (1) or (2) as proof of the corroborator's residence and shall sign the statement in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If the person presents a document under subsection (a), the poll clerk shall add a notation to the poll list indicating the type of document presented by the person. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(d) The precinct election board shall advise the voter that the voter may file a copy of the documentation with:

- (1) the county voter registration office; or
- (2) the precinct election board in the voter's precinct;

to permit the provisional ballot to be counted under IC 3-11.7.

Sec. 3. The commission shall prescribe the affirmation required by section 1(c)(1) of this chapter. The affirmation must include a statement that the person has not already voted at the election for which the person is registering to vote.

Sec. 4. A person who registers to vote under this chapter:

- (1) may not be challenged on the grounds that the person's registration does not appear in the precinct registration book or poll list; and
- (2) is not required to obtain a certificate of error under IC 3-7-48 to vote.

Sec. 5. Before each primary, general, municipal, school district, or special election, the county election board shall provide each precinct election board with a sufficient number of registration forms, affirmations, and statements to meet the reasonable need for the forms under this chapter.

Sec. 6. The precinct election board shall attach the completed registration forms, affirmations, and statements to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

Sec. 7. (a) The precinct election board shall add the name and address of a person who registers to vote under this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a person who registers to vote under this chapter to the registration record of the county.

Sec. 8. The county voter registration office shall process under IC 3-7-33-5 the voter registration forms completed under section 1 of this chapter.

Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who registered under this chapter is returned as undeliverable, the county voter registration office shall initiate steps under IC 3-7-33-6 to remove the person from the registration rolls.

Sec. 10. A registration completed under this chapter for which the notice mailed under IC 3-7-33-5 is not returned is effective to

the same extent as if the registration had been completed under IC 3-7-14 through IC 3-7-23."

Page 31, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 72. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots and other material during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d), after the recount or contest filing period, the election material (except for ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;
- (3) a change of name made under IC 3-7-41;
- (4) adding the registration of a voter under IC 3-7-48-8 or IC 3-7-49; or
- (5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the

political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12."

Page 32, between lines 6 and 7, begin a new paragraph and insert: "SECTION 75. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d), **except that a person may register or transfer registration on the day of a special election as provided in IC 3-7-49.**

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

- (1) have registered through the twenty-ninth day before the special election is to be conducted; or
- (2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.

(d) The restrictions on the sale of alcoholic beverages set forth in IC 7.1-5-10-1 apply in each precinct in which the special election is conducted."

Page 41, between lines 5 and 6, begin a new paragraph and insert: "SECTION 92. IC 3-11-8-15, AS AMENDED BY P.L.230-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of:
 - (A) voting; or
 - (B) **for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7.**
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

(A) The county chairman of a political party.

(B) The county vice chairman of a political party.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 93. IC 3-11-8-16, AS AMENDED BY P.L.230-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of:

- (1) offering to vote; or
- (2) **for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7."**

Page 43, line 12, strike "the voter's name".

Page 43, line 13, delete ". A" and insert "**the voter's name and whether the voter wants to register to vote at the polls. If the voter wants to register and meets the conditions set forth in IC 3-7-49, the poll clerk or other precinct election officer shall register the voter in accordance with IC 3-7-49. If the voter is already registered, a**".

Page 45, line 5, after "25.5." insert "(a)".

Page 45, line 12, after "polls" insert ",".

Page 45, line 12, strike "to cast a".

Page 45, line 13, strike "ballot at the election." and insert "**except as provided by subsection (b).**

(b) **An individual who:**

- (1) registers to vote on election day under IC 3-7-49; and
- (2) casts a provisional ballot under IC 3-11.7, because the individual is unable to present the documentation required under IC 3-7-49-2(a);

is entitled to reenter the polls solely to file a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7."

Page 63, between lines 1 and 2, begin a new line block indented and insert:

"(4) An individual who is registering to vote at the polls but has not presented identification required under IC 3-7-49-2."

Page 63, line 5, after "IC 3-11-8-25;" insert "or".

Page 63, line 6, delete "or".

Page 63, line 9, after "cast;" insert "or

(3) presented identification required under IC 3-7-49-2 to the poll clerk before voting in person under IC 3-11-8-25.1;".

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as printed January 25, 2006.)

HOWARD

Upon request of Senator Howard the President ordered the roll of the Senate to be called. Roll Call 71: yeas 17, nays 32.

Motion failed.

SENATE MOTION
(Amendment 37-2)

Madam President: I move that Senate Bill 37 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40.5. **(a) Subject to subsections (b) and (c), an individual provides "proof of identification" refers to a document that satisfies all by presenting one of the following documents issued to the individual if (+) the document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record:**

(2) The document shows a photograph of the individual to whom the document was issued;

(3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election;

(4) The document was issued by the United States or the state of Indiana;

(1) Identification issued by the state of Indiana or a county voter registration office.

(2) Identification issued by the United States.

(3) Identification issued by:

(A) a state educational institution (as defined in IC 20-12-0.5-1); or

(B) a private institution of higher education located in Indiana, including a university, college, vocational school, or technical school, that is accredited by a recognized regional accrediting agency.

(4) A copy of a current utility bill, bank statement, paycheck, government check, or another government document that shows the name and address of the voter.

(5) A driver's license or state identification card issued by a state other than Indiana.

(b) In addition to the method of providing proof of identification set forth in subsection (a), a voter provides proof of identification if two (2) precinct election officers who are members of different major political parties execute under the penalties of perjury an affidavit:

(1) that is on a form prescribed by the commission;

(2) that is signed by:

(A) the precinct election officers; and

(B) the voter; and

(3) in which the precinct election officers swear or affirm that:

(A) the precinct election officers have personal knowledge of the voter; and

(B) the voter is the individual whose name appears on the poll list.

(c) In addition to the method of providing proof of identification set forth in subsection (a), a voter provides proof of identification by executing under the penalties of perjury an affidavit:

(1) that is on a form prescribed by the commission; and

(2) in which the voter swears or affirms that the voter is the individual whose name appears on the poll list."

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as printed January 25, 2006.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 72: yeas 17, nays 32.

Motion failed.

SENATE MOTION
(Amendment 37-3)

Madam President: I move that Engrossed Senate Bill 37 be amended to read as follows:

Page 2, between lines 28 and 29, begin a new paragraph and insert: "SECTION 4. IC 3-6-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "mid election day" refers to 1:30 p.m. on election day.**

SECTION 5. IC 3-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) A county chairman may make nominations for precinct election offices by filing the nominations in writing with the circuit court clerk not later than noon twenty-one (21) days before the election.

(b) This subsection does not apply to the office of precinct inspector. A county chairman may specify in the nomination of an individual for a precinct election office that the individual is nominated to serve until noon on mid election day and that another individual is nominated to serve in the same precinct election office beginning at noon on mid election day until the expiration of the term of the office under section 37(b) of this chapter.

SECTION 6. IC 3-6-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) A county election board shall appoint the individuals who are nominated for precinct election offices by the county chairmen if the individuals are otherwise eligible under this chapter to serve in the precinct election offices for which they are nominated.

(b) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made following a nomination by a county chairman under this chapter. The county election board shall provide that an appointment of an individual to a precinct election office:

- (1) expires at ~~noon on~~ mid election day; or
- (2) begins at ~~noon on~~ mid election day and expires under section 37(b) of this chapter;

if the nomination made by the county chairman specifies that the nomination is made for a term that begins or expires at those times.

(c) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made by a county election board under section 13(b) of this chapter. The county election board may appoint an individual to a precinct election office for a term that:

- (1) expires at ~~noon on~~ mid election day; or
- (2) begins at ~~noon on~~ mid election day and expires under section 37(b) of this chapter."

Page 39, line 8 strike "~~6 p.m.~~" and insert "**the time the polls are required to close**".

Page 39, line 8, delete "day," insert "**day under IC 3-11-8-8,**".

Page 41, between lines 5 and 6, begin a new paragraph and insert: "SECTION 84. IC 3-11-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. The polls in each precinct open at 6 a.m. and close at ~~6 p.m.~~ **9 p.m.** on election day."

Page 46, between lines 13 and 14, begin a new paragraph and insert: "SECTION 93. IC 3-11-10-11, AS AMENDED BY P.L.221-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**

(b) Not later than noon on election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to comply with IC 3-7-33-4.5. The office shall immediately notify the county election board regarding the filing of this documentation to permit the board to provide certification of this filing to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**"

Page 47, between lines 10 and 11, begin a new paragraph and insert: "SECTION 94. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an

illness or injury during the entire ~~twelve (12) hours~~ **time** that the polls are open.

- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

- (1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
- (2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:
 - (A) deposit the sealed envelope in the United States mail; or
 - (B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter."

Page 56, between lines 13 and 14, begin a new paragraph and insert: "SECTION 8. IC 3-11-14-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. Each county election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time the polls are required to close** on election day **under IC 3-11-8-8**. Upon notice that an electronic voting system is out of order or fails to work, the board shall be ready between those hours to deliver to any precinct in the county:

(1) necessary paper ballots;

(2) election booths with an adequate number of stalls;

(3) ballot boxes; and

(4) all necessary supplies and equipment as required by law."

Page 62, between lines 30 and 31, begin a new paragraph and insert: "SECTION 107. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than ~~5 p.m.~~ **one (1) hour before the time the polls are required to close** on election day **under IC 3-11-8-8**. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote."

Page 63, between lines 20 and 21, begin a new paragraph and insert: "SECTION 108. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) At ~~6 p.m.~~ **the time the polls are required to close** on each election day **under IC 3-11-8-8**, the county election board shall assemble in a room to canvass the certificates, poll lists, and tally papers returned by each inspector in the county and to declare the results of the election as provided in this chapter.

(b) The canvassing must be performed in public under IC 5-14-1.5. However, the board may restrict access to parts of the room where election material is being handled or transported to safeguard the material.

(c) Except as provided in section 7 of this chapter, the county executive shall provide a room in the courthouse that contains adequate space to permit members of the public to witness the canvassing of votes."

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as printed January 25, 2006.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 73: yeas 17, nays 33.

Motion failed. The bill was ordered engrossed.

Senate Bill 86

Senator Jackman called up Senate Bill 86 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 277

Senator Rogers called up Senate Bill 277 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 303

Senator Kruse called up Senate Bill 303 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 303-1)

Madam President: I move that Senate Bill 303 be amended to read as follows:

Page 5, line 32, delete "applicant." and insert "applicant or a designee of the custodial parent specified by the custodial parent."

Page 5, between lines 32 and 33, begin a new line block indented and insert:

"(2) The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent."

Page 5, line 33, strike "(2)" and insert "(3)".

Page 5, line 37, reset in roman "(4)".

Page 5, line 37, delete "(3)".

Page 5, line 37, delete "Any" and insert "In the absence of a person described in subdivisions (1) through (3), any".

(Reference is to SB 303 as printed January 27, 2006.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 56

Senator Harrison called up Senate Bill 56 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 100

Senator Jackman called up Senate Bill 100 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 194

Senator Hume called up Senate Bill 194 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 194-1)

Madam President: I move that Senate Bill 194 be amended to read as follows:

Page 1, line 14, after "conferences." insert "A decision concerning the dismissal of students under this subsection is exclusively and solely the province of the governing body, and is not the subject of collective bargaining under IC 20-29-6-4."

(Reference is to SB 194 as printed January 27, 2006.)

KENLEY

The Chair ordered a division of the Senate. Yeas 33, nays 17.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 333

Senator Dillon called up Senate Bill 333 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 333-1)

Madam President: I move that Senate Bill 333 be amended to read as follows:

Page 34, line 23, delete "impose any conditions it considers" and insert "**require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than two (2) renewal cycles and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status.**"

Page 34, delete lines 24 through 25.

Page 34, line 26, delete "physician's skills in the physician's intended area of practice."

Page 34, delete lines 30 through 31, begin a new line block indented and insert:

"(3) either:

(A) verification of active licensure in another jurisdiction; or

(B) completion of other reasonable requirements imposed by the board, after the physician's work history has been established;"

(Reference is to SB 333 as printed January 27, 2006.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 192

Senator Bray called up Senate Bill 192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 57

Senator Harrison called up Senate Bill 57 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 22

Senator Gard called up Senate Bill 22 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 22-1)

Madam President: I move that Senate Bill 22 be amended to read as follows:

Page 1, line 7, after "transmission" insert ",".

Page 3, line 7, after "Act")," insert "**and the Hazardous Liquid Pipeline Safety Act of 1979**".

Page 3, line 16, delete "applicable".
 Page 3, line 16, reset in roman "established under".
 Page 3, line 17, after "Act," insert "**49 U.S.C. 60101 et seq.**".
 (Reference is to SB 22 as printed January 25, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 146

Senator Gard called up Senate Bill 146 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 146-1)

Madam President: I move that Senate Bill 146 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-25-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsections (b) and (c), a transferor of property shall deliver a disclosure document to each of the other parties to a transfer of property at least thirty (30) days before the transfer. The disclosure document must be in the form ~~set forth in section 7~~ **prescribed by the department under section 7.5** of this chapter and must include the information elicited by that form. However, the signature of the transferee is not required on the disclosure document delivered to a party involved in the transfer of property as a lender.

(b) If all of the other parties to a transfer of property waive the thirty (30) day deadline set forth in subsection (a) in written waivers that indicate that the parties are aware of the purpose and intent of the disclosure document, the transferor is not required to deliver the disclosure document to the other parties thirty (30) days before the transfer of the property. However, the transferor shall deliver a disclosure document that meets the requirements set forth in subsection (a) to each of the other parties to the transfer of property on or before the date on which the transfer of property is to become final.

(c) If a party involved in a transfer of property as a lender is not identified to the transferor at least thirty (30) days before the transfer, the thirty (30) day deadline set forth in subsection (a) does not apply to the delivery of a disclosure document by the transferor to that lender. However, if a lender is identified to a transferor less than thirty (30) days before the transfer, the transferor shall deliver a disclosure document to the lender immediately after the lender is identified to the transferor.

SECTION 2. IC 13-25-3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7.5. The department shall prescribe the form of a disclosure document to be completed and delivered by a transferor of property under this chapter. The form must elicit at least the following information:**

- (1) **Property identification, including address, legal description, and property characteristics.**
- (2) **The nature of the transfer, including identities of the transferor and transferee.**
- (3) **Environmental information, including:**

(A) **regulatory information during the transferor's ownership; and**

(B) **site information under other ownership or operation.**

(4) **Certification by the transferor that the information submitted on the disclosure document is true and accurate to the best of the transferor's knowledge and belief.**

(5) **Certification by the transferee that the disclosure document was delivered with all elements completed.**

SECTION 3. IC 13-25-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Not more than thirty (30) days after the effective date of a transfer of property that requires the preparation of a disclosure document under this chapter:

- (1) the transferor or transferee shall record the disclosure document in the office of the county recorder of the county in which the property is located; and
- (2) the transferor shall file a copy of the disclosure document with the department.

~~(b) If a site plan must be attached to the disclosure document under section 7 of this chapter, the site plan shall be recorded and filed under subsection (a) along with the disclosure document to which the site plan must be attached.~~

~~(c)~~ (b) The transferor and transferee are jointly responsible for recording a disclosure document in the county recorder's office under this section. However, the recording of a disclosure document by one (1) person referred to in this subsection discharges the responsibility of the other person.

~~(d)~~ (c) A disclosure document recorded in the county recorder's office or filed with the department:

- (1) is a public record under IC 5-14-3; and
- (2) must be available for inspection and copying during normal business hours.

SECTION 4. IC 13-25-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who:

- (1) is responsible for filing a disclosure document in the office of the county recorder under ~~section 8(a)(1) and 8(c)~~ **section 8(a)(1) and 8(b)** of this chapter; and
- (2) fails to record the disclosure document;

commits a Class A infraction.

(b) The failure of a transferee to record a disclosure document within the period allowed under section 8(a) of this chapter is not an infraction under this section if the disclosure document:

- (1) was not delivered to the transferee within the time allowed under section 2 of this chapter; or
- (2) contains one (1) or more false statements about substantive matters.

SECTION 5. IC 13-25-3-7 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **Before July 1, 2006, the department of environmental management shall prescribe the form required under IC 13-25-3-7.5, as added by this act.**

(b) **This SECTION expires July 1, 2006.**

SECTION 7. **An emergency is declared for this act.**

(Reference is to SB 146 as printed January 25, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 301

Senator Ford called up Senate Bill 301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 11

Senator Drozda called up Senate Bill 11 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 143

Senator Dillon called up Senate Bill 143 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 266

Senator Miller called up Senate Bill 266 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 236

Senator Drozda called up Senate Bill 236 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 217

Senator Broden called up Senate Bill 217 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 217-1)

Madam President: I move that Senate Bill 217 be amended to read as follows:

Page 5, after line 9, begin a new paragraph and insert:

"(2) No area within the allocation area has been annexed within the preceding five (5) years over a remonstrance of a majority of the owners of land within the annexed area."

Page 5, line 10 delete "(2)" and insert "(3)".

Page 5, line 17, delete "(3)" and insert "(4)".

Page 5, line 19, delete "(4)" and insert "(5)".

Page 5, line 25, delete "(5)" and insert "(6)".

Page 5, line 27, delete "(6)" and insert "(7)".

Page 5, line 30, delete "(7)" and insert "(8)".

Page 5, line 32, delete "(8)" and insert "(9)".

Page 6, line 2, delete "(9)" and insert "(10)".

(Reference is to SB 217 as printed January 27, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 193

Senator Bray called up Senate Bill 193 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 324

Senator Drozda called up Senate Bill 324 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 382

Senator Becker called up Senate Bill 382 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 382-1)

Madam President: I move that Senate Bill 382 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-22-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 3. (a) As used in this chapter, "qualified airport development project" means an airport development project that has a cost of the project (as defined in IC 4-4-10.9-5) greater than:

(1) five hundred million dollars (\$500,000,000), if the project is to be located in a county having a consolidated city; **or**

(2) two hundred fifty thousand dollars (\$250,000), if the project is to be located in:

(A) a city described in section 1(2) of this chapter; **or**

(B) in a county described in section 1(3), ~~or~~ 1(4), **or 1(5)** of this chapter.

~~(3) five hundred thousand dollars (\$500,000), if the project is to be located in a county described in section 1(5) of this chapter and is on the airport property; or~~

~~(4) two million dollars (\$2,000,000) if the project is to be located in a county described in section 1(5) of this chapter and is located outside of the airport property but within the area described in IC 8-22-3.5-5(f).~~

Except as provided by subsection (b), the term includes any portion or expansion of the original qualified airport development project used by one (1) or more successor tenants.

(b) For purposes of section 9 of this chapter, the definition of "qualified airport development project" does not include any portion of, or expansion of, the original qualified airport development project used by a successor tenant unless the commission adopts a resolution to amend the definition to include that portion or expansion.

SECTION 2. IC 8-22-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 5. (a) ~~Except as provided in subsection (f),~~ The commission may designate an area within the jurisdiction of an airport authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the following:

(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.

(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

(b) If the airport development zone will be located in a consolidated city or in a county described in section 1(3), 1(4), or 1(5) of this chapter, the resolution adopted under subsection (a) must also include a finding that there has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

- (1) financial and economic data; and
- (2) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(c) If the airport development zone will be located in a city described in section 1(2) of this chapter, the resolution adopted under subsection (a) must also include findings stating that the most recent federal decennial census for the city indicates that:

- (1) the unemployment rate for the city is at least thirteen percent (13%);
- (2) the population of the city has decreased by at least ten percent (10%) as compared to the population reported in the preceding federal decennial census for the city;
- (3) the median per capita income for city residents does not exceed eighty percent (80%) of the median per capita income for all residents of the United States; and
- (4) at least twenty-five percent (25%) of the population of the city is below the federal income poverty level (as defined in IC 12-15-2-1).

(d) The resolution adopted under subsection (a) must describe the boundaries of the area. The description may be by reference to the area's location in relation to public ways or streams, or otherwise, as determined by the commission.

(e) If the airport development zone will be located in a county described in section 1(4) or 1(5) of this chapter, the resolution adopted under subsection (a) and any qualified airport development project to be located in the airport development zone, must be approved by the executive of:

- (1) the county, if the entire airport development zone or qualified airport development project will be located outside the boundaries of any municipality located in the county;
- (2) a municipality located in the county, if the entire airport development zone or qualified airport development project will be located within the boundary of the municipality; or
- (3) the county and a municipality located in the county, if the airport development zone or qualified airport development project will be located within the boundary of the county and in part within the boundary of the municipality.

~~(f) If the airport development zone will be located in a county described in section 1(5) of this chapter, the commission may designate the airport plus the area outside of the airport property but not to exceed a total area of three (3) square miles as an airport development zone; if the commission finds by resolution the following:~~

- ~~(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone;~~
- ~~(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development~~

~~zone.~~

SECTION 3. IC 8-22-3.5-9, AS AMENDED BY P.L.246-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 9. (a) As used in this section, "base assessed value" means:

- (1) the net assessed value of all the tangible property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the commission's resolution adopted under section 5 ~~or 9.5~~ of this chapter, notwithstanding the date of the final action taken under section 6 of this chapter; plus
- (2) to the extent it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

However, subdivision (2) applies only to an airport development zone established after June 30, 1997, and the portion of an airport development zone established before June 30, 1997, that is added to an existing airport development zone.

~~(b) Except in a county described in section 1(5) of this chapter,~~ A resolution adopted under section 5 of this chapter and confirmed under section 6 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section.

(c) The allocation provision must:

- (1) apply to the entire airport development zone; and
- (2) require that any property tax on taxable tangible property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes in the airport development zone be allocated and distributed as provided in subsections (d) and (e).

~~(d) Except in a county described in section 1(5) of this chapter,~~ and as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

- (1) the assessed value of the tangible property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value;

shall be allocated and, when collected, paid into the funds of the respective taxing units.

~~(e) Except in a county described in section 1(5) of this chapter,~~ All of the property tax proceeds in excess of those described in subsection (d) shall be allocated to the eligible entity for the airport development zone and, when collected, paid into special funds as follows:

- (1) The commission may determine that a portion of tax proceeds shall be allocated to a training grant fund to be expended by the commission without appropriation solely for the purpose of reimbursing training expenses incurred by public or private entities in the training of employees for the qualified airport development project.
- (2) The commission may determine that a portion of tax proceeds shall be allocated to a debt service fund and dedicated to the payment of principal and interest on revenue bonds of the airport authority for a qualified airport development project, to the payment of leases for a qualified airport development

project, or to the payment of principal and interest on bonds issued by an eligible entity to pay for qualified airport development projects in the airport development zone or serving the airport development zone.

(3) Except as provided in subsection (f), all remaining tax proceeds after allocations are made under subdivisions (1) and (2) shall be allocated to a project fund and dedicated to the reimbursement of expenditures made by the commission for a qualified airport development project that is in the airport development zone or is serving the airport development zone.

(f) ~~Except in a county described in section 1(5) of this chapter;~~ If the tax proceeds allocated to the project fund in subsection (e)(3) exceed the amount necessary to satisfy amounts required under subsection (e), the excess in the project fund over that amount shall be paid to the respective taxing units in the manner prescribed by subsection (d).

(g) ~~Except in a county described in section 1(5) of this chapter;~~ When money in the debt service fund and in the project fund is sufficient to pay all outstanding principal and interest (to the earliest date on which the obligations can be redeemed) on revenue bonds issued by the airport authority for the financing of qualified airport development projects, all lease rentals payable on leases of qualified airport development projects, and all costs and expenditures associated with all qualified airport development projects, money in the debt service fund and in the project fund in excess of those amounts shall be paid to the respective taxing units in the manner prescribed by subsection (d).

(h) ~~Except in a county described in section 1(5) of this chapter;~~ Property tax proceeds allocable to the debt service fund under subsection (e)(2) must, subject to subsection (g), be irrevocably pledged by the eligible entity for the purpose set forth in subsection (e)(2).

(i) ~~Except in a county described in section 1(5) of this chapter;~~ and Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable tangible property situated upon or in, or added to, the airport development zone effective on the next assessment date after the petition.

(j) ~~Except in a county described in section 1(5) of this chapter;~~ and Notwithstanding any other law, the assessed value of all taxable tangible property in the airport development zone, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the tangible property as valued without regard to this section; or
- (2) the base assessed value.

SECTION 4. IC 8-22-3.5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: **Sec. 9.5. (a) This section applies to a commission located in a county described in section 1(5) of this chapter.**

(b) The commission may amend a resolution adopted before January 1, 2006, under section 5 of this chapter to include a provision with respect to the allocation and distribution of property taxes.

(c) For purposes of determining the allocation and distribution of property taxes under this chapter, the "base assessed value" means the net assessed value of all the tangible property as finally

determined for the assessment date immediately preceding the effective date of the allocation provision of the commission's amended resolution adopted under this section.

(d) An amendment adopted under this section must be approved by the executive of:

- (1) the county, if the entire airport development zone is located outside the boundaries of any municipality located in the county;**
- (2) a municipality located in the county, if the entire airport development zone is located within the boundary of the municipality; or**
- (3) the county and a municipality located in the county, if the airport development zone is located within the boundary of the county and partly within the boundary of the municipality.**

SECTION 5. IC 8-22-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: **Sec. 10. (a) Except in a county described in section 1(5) of this chapter and except as provided in subsection (d), if the commission adopts the provisions of this section by resolution, each taxpayer in the airport development zone is entitled to an additional credit for taxes (as defined in IC 6-1.1-21-2) that, under IC 6-1.1-22-9, are due and payable in May and November of that year. Except as provided in subsection (d), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the airport development zone:**

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by**
- (B) the STEP ONE sum.**

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by**
- (B) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that would have been allocated to the special funds under section 9 of this chapter had the additional credit described in this section not been given.**

The additional credit reduces the amount of proceeds allocated and paid into the special funds under section 9 of this chapter.

(b) The additional credit under subsection (a) shall be:

- (1) computed on an aggregate basis of all taxpayers in a taxing district that contains all or part of an airport development zone; and**
- (2) combined on the tax statement sent to each taxpayer.**

(c) Concurrently with the mailing or other delivery of the tax statement or any corrected tax statement to each taxpayer, as required by IC 6-1.1-22-8(a), each county treasurer shall for each tax statement also deliver to each taxpayer in an airport development zone who is entitled to the additional credit under subsection (a) a notice of additional credit. The actual dollar amount of the credit, the taxpayer's name and address, and the tax statement to which the credit applies shall be stated on the notice.

(d) This subsection applies to an airport development zone only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an airport development zone is entitled to an additional credit under subsection (a) for the taxes (as defined in IC 6-1.1-21-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2).

SECTION 6. IC 8-22-3.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 12. (a) Notwithstanding any other law, a taxpayer in an airport development zone is not entitled to a credit for property tax replacement under IC 6-1.1-21-5.

(b) Notwithstanding subsection (a), in a county described in section 1(5) of this chapter, a taxpayer is entitled to a property tax replacement credit under IC 6-1.1-21-5 for the portion of property taxes for which an inventory tax credit under section 16 of this chapter is not allowed.

(c) An amount equal to the total of all inventory tax credit available under section 16 of this chapter shall be excluded from the total county tax levy under IC 6-1.1-21-2(g).

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 8-22-3.5-16; IC 8-22-3.5-17.

SECTION 8. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to SB 382 as printed January 27, 2006.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 33

Senator Alting called up Senate Bill 33 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 206

Senator Drozda called up Senate Bill 206 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 206-1)

Madam President: I move that Senate Bill 206 be amended to read as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert: "**Sec. 1. This chapter does not apply to an individual who, at any time during the individual's employment by the state or a political subdivision of the state as:**

- (1) a member of a fire department (as defined in IC 36-8-1-8);
- (2) an emergency medical services provider (as defined in IC 16-41-10-1); or
- (3) a member of a police department (as defined in IC 36-8-1-9);

uses tobacco products in any form."

Page 1, line 7, delete "Sec. 1." and insert "**Sec. 2.**".

Page 2, line 6, delete "Sec. 2." and insert "**Sec. 3.**".

Page 2, line 20, delete "Sec. 3." and insert "**Sec. 4.**".

Page 2, line 23, delete "Sec. 4." and insert "**Sec. 5.**".

Page 2, line 27, delete "Sec. 5." and insert "**Sec. 6.**".

Page 2, line 32, delete "Sec. 6." and insert "**Sec. 7.**".

Page 2, line 34, delete "Sec. 7." and insert "**Sec. 8.**".

Page 2, line 40, delete "Sec. 8." and insert "**Sec. 9.**".

Page 3, line 13, delete "Sec. 9." and insert "**Sec. 10.**".

(Reference is to SB 206 as printed January 27, 2006.)

DROZDA

The Chair ordered a division of the Senate. Yeas 32, nays 17.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 314

Senator Nugent called up Senate Bill 314 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 374

Senator Mishler called up Senate Bill 374 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

5:05 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 5:16 p.m., with the President of the Senate in the Chair.

SENATE BILLS ON SECOND READING

Senate Bill 230

Senator Lubbers called up Senate Bill 230 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 71

Senator Ford called up Senate Bill 71 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 89

Senator Gard called up Senate Bill 89 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 232

Senator Gard called up Senate Bill 232 for second reading. The

bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 127

Senator Lawson called up Senate Bill 127 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 128

Senator Lawson called up Senate Bill 128 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 128-1)

Madam President: I move that Senate Bill 128 be amended to read as follows:

Page 10, between lines 30 and 31, begin a new paragraph and insert:

"(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

(1) the affidavit of the voter who cast the provisional ballot; and

(2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted."

(Reference is to SB 128 as printed January 25, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 284

Senator Wyss called up Senate Bill 284 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 235

Senator Gard called up Senate Bill 235 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 132

Senator Lawson called up Senate Bill 132 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 132-1)

Madam President: I move that Senate Bill 132 be amended to read

as follows:

Page 55, line 37, after "division" insert **"of family resources and the department of child services"**.

Page 57, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 91. IC 12-17.2-2-1, AS AMENDED BY P.L.162-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 10-13-3-39 before issuing a license.

(3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the division of family resources child care fund established by IC 12-17.2-2-3.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet site may not contain the address of a child care home. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5(b); and

(B) a child care home licensed under IC 12-17.2-5;

including practices to reduce the risk of sudden infant death syndrome."

Page 58, line 29, after "The" insert **"division of family resources"**.

Page 58, line 31, after "article" insert **"."**.

Page 58, line 31, after "article" strike **"and"**.

Page 58, line 32, delete "IC 31-27."

Page 58, line 34, after "article" insert ".".

Page 58, line 34, strike "and".

Page 58, line 34, delete "IC 31-27."

Page 63, line 8, after "the" insert **"division of family resources"**.

Page 63, line 8, delete "." and insert **"established by IC 12-17.2-3-2."**

Page 63, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 99. IC 12-17.2-4-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars (\$1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-3-2."**

Page 65, line 33, after "the" insert **"division of family resources"**.

Page 65, line 33, delete "." and insert **"established by IC 12-17.2-3-2."**

Page 65, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 103. IC 12-17.2-5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars (\$1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-3-2."**

Page 66, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 106. IC 12-17.2-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division shall charge a child care ministry a fifty dollar (\$50) fee for processing a registration under section 2 of this chapter.

(b) The division shall deposit the fees collected under subsection (a) in the **division of family resources** child care fund **established by IC 12-17.2-3-2."**

Page 158, line 31, delete "The decision of the director under this chapter are" and insert **"(a) The department of child services child care fund is established for the purpose of providing training and facilitating compliance with and enforcement of IC 31-25 through IC 31-28. The fund shall be administered by the department."**

(b) The fund consists of the fees and civil penalties collected under IC 31-25 through IC 31-28.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 158, delete line 32.

Page 163, line 36, delete "bureau" and insert **"agency"**.

Page 163, line 39, delete "two bureaus of the department." and

insert **"bureau and the agency that administers Title IV-A of the Federal Social Security Act."**

Page 193, line 11, delete "who:" and insert **"who"**.

Page 193, line 12, delete "(1)".

Page 193, line 13, delete "placement; or" and insert **"placement"**.

Page 193, delete lines 14 through 17.

Page 193, run in lines 11 through 18.

Page 194, line 22, delete "adoption from a" and insert **"adoption."**

Page 194, delete line 23.

Page 195, line 2, after "the" insert **"department of child services"**.

Page 195, line 3, delete "IC 12-17.2-3." and insert **"IC 31-25-1-16."**

Page 201, line 36, delete "or of".

Page 201, line 36, after "employee" insert **"of the applicant,"**

Page 201, line 37, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**

Page 206, line 27, before "an employee" delete "or".

Page 206, line 27, after "employee" insert **"of the licensee,"**

Page 206, line 28, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**

Page 207, line 24, after "the" insert **"department of child services"**.

Page 207, line 24, delete "fund." and insert **"fund established by IC 31-25-1-16."**

Page 210, line 28, delete "or of".

Page 210, line 28, after "employee" insert **"of the applicant"**.

Page 210, line 29, delete "," and insert **"who has direct contact with children who are under the direct supervision of the applicant,"**

Page 215, line 42, delete "or of".

Page 215, line 42, after "employee" insert **"of the licensee,"**

Page 216, line 1, delete "," and insert **"who has direct contact with children who are under the direct supervision of the applicant,"**

Page 216, line 41, after "the" insert **"department of child services"**.

Page 216, line 41, delete "IC 12-17.2-3." and insert **"IC 31-25-1-16."**

Page 220, line 13, delete "or of".

Page 220, line 13, after "employee" insert **"of the applicant,"**

Page 220, line 14, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant."**

Page 225, line 1, delete "licensee or of" and insert **"licensee,"**

Page 225, line 1, after "employee" insert **"of the licensee,"**

Page 225, line 2, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**

Page 225, line 41, after "the" insert **"department of child services"**.

Page 225, line 41, delete "fund." and insert **"fund established by IC 31-25-1-16."**

Page 226, line 42, delete "or of".

Page 226, line 42, after "employee" insert **"of the licensee,"**

Page 227, line 1, delete "licensee," and insert **licensee who has**

direct contact with children who are under the direct supervision of the licensee,".

Page 231, line 22, delete "or of".

Page 231, line 22, after "employee" insert **"of the licensee,".**

Page 231, line 23, delete "licensee," insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,".**

Page 232, line 22, after "the" insert **"department of child services".**

Page 232, line 22, delete "fund." and insert **"fund, established by IC 31-25-1-16.".**

Page 252, delete lines 20 through 23.

Page 264, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 306. IC 31-34-18-6.1, AS AMENDED BY P.L.234-2005, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1) is currently residing in the location designated as the out-of-home placement. or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 266, line 3, delete "is:" and insert "is".

Page 266, line 4, strike "(1)".

Page 266, line 5, delete "chapter; or" and insert "chapter ~~or~~".

Page 266, strike lines 6 through 8.

Page 286, between lines 1 and 2, begin a new paragraph and insert: "SECTION 337. IC 31-37-17-6.1, AS AMENDED BY P.L.234-2005, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The

predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

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~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

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(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 288, line 5, delete "is:" and insert "is".

Page 288, line 6, strike "(1)".

Page 288, line 8, delete "chapter; or" and insert "chapter ~~or~~".

Page 288, strike lines 9 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 20, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 153

Senator Lawson called up Senate Bill 153 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 363

Senator Ford called up Senate Bill 363 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 384

Senator Paul called up Senate Bill 384 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 340

Senator Wyss called up Senate Bill 340 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 162

Senator Paul called up Senate Bill 162 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 341

Senator Wyss called up Senate Bill 341 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 173

Senator Lubbers called up Senate Bill 173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 70

Senator Paul called up Senate Bill 70 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 70-1)

Madam President: I move that Senate Bill 70 be amended to read as follows:

Page 9, after line 24, begin a new paragraph and insert: "SECTION 4. [UPON PASSAGE] **The department may adopt rules under IC 4-22-2 to carry out this chapter.**". Renumber all SECTIONS consecutively.

Renumber all SECTIONS consecutively.

(Reference is to SB 70 as printed January 25, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 77

Senator Heinold called up Engrossed Senate Bill 77 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Heim.

Engrossed Senate Bill 331

Senator Broden called up Engrossed Senate Bill 331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Neese and Dvorak.

Engrossed Senate Bill 94

Senator Meeks called up Engrossed Senate Bill 94 for third reading:

A BILL FOR AN ACT concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Dodge.

Engrossed Senate Bill 92

Senator Paul called up Engrossed Senate Bill 92 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders, Hoffman, and Pflum.

Engrossed Senate Bill 354

Senator Weatherwax called up Engrossed Senate Bill 354 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 30, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer, McClain, Goodin, and Denbo.

Engrossed Senate Bill 253

Senator Weatherwax called up Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

Engrossed Senate Bill 139

Senator Lawson called up Engrossed Senate Bill 139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bell, Budak, and Summers.

Engrossed Senate Bill 157

Senator Lewis called up Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senator Howard be added as coauthor of Engrossed Senate Bill 331.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 94.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Senate Bill 206.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 277.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 36.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 31, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 6:34 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate